IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 12763 of 2026

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JAYESHBHAI VINUBHAI CHAUDHARY
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR MUNJAL V ACHARYA(10678) for the Applicant(s) No. 1
MR JAY MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 10/06/2026

ORAL ORDER

1. Learned advocate Ms. Chetna Joshi states that he has instructions to appear on behalf of the *de facto* complainant and seeks permission to file his Vakalatnama, which is granted.

2. Heard, learned advocates for the respective parties.

3. *Rule*. The learned advocates for the respective respondents waive service.

4. Considering the facts and circumstances of the case and since it is jointly stated at bar by the learned advocates for the respective

parties that the dispute between the parties has been resolved amicably, this matter is taken up for final disposal forthwith.

5. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant has prayed to quash and set aside the FIR being CR No. 11213010240399 of 2024, registered with Dhoraji Police Station, Rajkot (Rural) for the offences punisable under Sections 351(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and to quash all other consequential proceedings arising therefrom.

6. The learned advocates for the respective parties submitted that during the pendency of proceedings, the parties have settled the dispute amicably and pursuant to such mutual settlement, the *de facto* complainant has also filed an Affidavit, which is taken on record. In the Affidavit, the *de facto* complainant has categorically stated that the dispute with the applicant has been resolved amicably as was personal in nature and he has no objection if the criminal proceedings are quashed and set aside since there is no surviving grievance between them.

7. The *de facto* complainant has unequivocally stated that he has entered into compromise with the accused and they have amicably settled the dispute and that, he has no objection to quash the FIR that is registered against the applicant.

8. It is apt here to consider whether the power conferred by the High Court under section 528 of the BNSS is warranted. It is true that the powers under Section 528 of the BNSS are very wide and the very plenitude of the power requires great caution in its exercise. The Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent powers should not be exercised to stifle a legitimate prosecution. The High Court being the highest Court of a State should normally refrain from giving a *prima facie* decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard-and-fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceeding at any stage as held by the Apex Court in the case of ***Central Bureau of Investigation v. Ravi Shankar Srivastava, IAS & Anr., reported in AIR 2006 SC 2872***.

9. Having heard learned advocates on both the sides and considering the facts and circumstances of the case as also the principles laid down by the Apex Court in the cases of ***(i) Gian Singh Vs. State of Punjab & Anr., reported in (2012) 10 SCC 303, (ii) Madan Mohan Abbot Vs. State of Punjab, reported in (2008) 4 SCC 582, (iii) Nikhil Merchant Vs. Central Bureau of Investigation & Anr., reported in 2009 (1) GLH 31, (iv) Narinder Singh & Ors. Vs.***

State of Punjab & Anr. reported in 2014 (2) Crime 67 (SC) as also considering the fact that the dispute between the parties is resolved amicably and complainant has no objection if the FIR is quashed, in the opinion of this Court, the continuation of criminal proceedings against the present applicant would be an exercise in futility and abuse of process of law. Although, some cases are exempted which are catelogued in the said judgment of the Apex Court, the present case is not falling within the said exempted cases as the dispute appears to be personal in nature and the applicant, allegedly given threat on WhatsApp message etc. Hence, to secure the ends of justice, it would be appropriate to quash and set aside the impugned FIR and all consequential proceedings initiated in pursuance thereof.

10. *In fine*, the application is allowed. The impugned FIR, as referred to herein above, as well as all consequential proceedings initiated in pursuance thereof, are hereby quashed and set aside *qua* the applicant herein.

10.1 Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

[P. M. Raval, J.]

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/06/2026 17:06:21